

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

KEITH W.R. LOWE,

Petitioner

v.

CIVIL ACTION NO. 2:11-0074

DAVID BALLARD, Warden,
Mount Olive Correctional Complex,

Respondent

ORDER

The court has received the May 7, 2012, Report of Escrow Disbursement ("Report") filed by petitioner's retained counsel in an unrelated civil matter pursuant to the April 26, 2012, order of the court.

It does not appear that the Report and accompanying materials were served upon petitioner. While the court is prepared to enter the proposed order attached to the Report, which is designed to release the escrow in this action, the better course is to first have served upon petitioner the Report and its attachments, which are found at docket entry 35. It is, accordingly, ORDERED as follows:

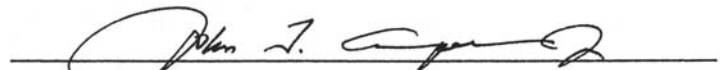
1. That the Clerk be, and she hereby is, directed to transmit a copy of this order and the entirety of document found at docket entry 35 to petitioner; and

2. That petitioner be, and he hereby is, given leave to submit any response he wishes to file to those materials on or before May 30, 2012.

In the absence of any response from petitioner, the court will in due course enter the proposed order submitted by retained counsel.

The Clerk is additionally directed to forward copies of this written opinion and order to all counsel of record, the magistrate judge, and Debra A. Kilgore, who is retained counsel. The transmission to Ms. Kilgore shall be made electronically through the CM/ECF system and by regular mail at P.O. Box 5129, Princeton, West Virginia, 24740.

DATED: May 10, 2012


John T. Copenhaver, Jr.
United States District Judge